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Report of the Secretary-General concerning the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1339 (2001) of 31 January 2001, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2001 and requested me to report three months from the date of the adoption of the resolution. The present report provides an update on the situation in Abkhazia, Georgia, since my report of 24 April 2001 (S/2001/401).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in his task by the Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG, as at 12 July 2001, stood at 106 military observers (see annex).

II. Political aspects

3. It will be recalled that in April and May the security situation in the UNOMIG area of responsibility deteriorated, owing to hostage-taking incidents and increased activity by illegal armed groups in the Gali district, resulting in the suspension of the peace process at the request of the Abkhaz side. However, on 11 May, following efforts by my Special Representative and the UNOMIG Chief Military Observer, the Georgian and Abkhaz sides handed over the remains of those killed on 7 and 8 April and there was an exchange of all detainees (see S/2001/401, paras. 19-21). The lessening of tensions that followed prepared the ground for the seventh session of the Coordinating Council's working group 1 on security matters, which was held on 10 July in Sukhumi under the chairmanship of the Chief Military Observer. In a joint statement, the sides resolved to work together in a spirit of mutual trust in order to avoid further breaches of the Moscow Agreement, to reduce criminal activity and to bring criminals to justice.

4. Regrettably, on 8 and 9 July — nine days before the thirteenth session of the Coordinating Council was to be held in Tbilisi — two serious incidents, in which six people were killed and two taken hostage, occurred in the Gulripsh area, north-west of the Kodori Valley, outside the UNOMIG area of responsibility. In an official statement on 12 July the Abkhaz side accused the Georgian side of involvement in these tragic incidents and cancelled its participation in the meeting of the Coordinating Council. At the same time, it refused to take part in a seminar on State-legal aspects of the settlement of the conflict — a follow-up to the Pitsunda discussions of February 2001 (see S/2001/401, paras. 5 and 33) — which was to have been held on 16 July under the auspices of the Council of Europe and in the framework of the United Nations-led peace process.

5. Work on the fundamental issue of the future status of Abkhazia within the State of Georgia intensified following the Security Council meeting of 24 April and the statement of the President of the Council of the same date (S/PRST/2001/12). The group of Friends of the Secretary-General, in close consultation with my Special Representative, has intensified its efforts to finalize the draft paper on the distribution of competences between Tbilisi and Sukhumi with a view to submitting this framework document to the sides in the near future so as to initiate meaningful negotiations on the future political status of

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Abkhazia. My Special Representative visited Moscow in the middle of July for meetings with high-ranking representatives of the Russian Federation, in its capacity as facilitator. The Abkhaz authorities have reiterated their well-known position that any discussion of the status issue is obsolete because, in their view, the political status of Abkhazia was conclusively decided upon with the Act of State Independence of 1999.

6. Notwithstanding the unstable security situation in the zone of conflict, the process of return of internally displaced persons to the Gali region has continued steadily. Early in May my Special Representative submitted to the two sides for their consideration the report of the joint assessment mission to the Gali district of 20 to 24 November 2000 (see S/2001/59, para. 8 and annex II, and S/2001/401, para. 34). Both sides have informally indicated that they consider the report to be an objective representation of the situation and have expressed willingness to discuss the practical implementation of recommendations contained in it.

7. One major confidence-building step was taken on 15 June, when the Abkhaz side, in the presence of representatives of UNOMIG and the International Committee of the Red Cross, handed over to the Georgian side for reburial, the mortal remains of 15 Georgian soldiers killed in combat near Sukhumi in 1993. Only minor progress on the implementation of the Yalta Programme of Action (see S/2001/401, paras. 6 and 7) or that of projects agreed upon earlier was recorded. The Georgian/Abkhaz Coordinating Commission and its Executive Secretary, Zurab Lakerbaia, are to be commended for their contributions to the implementation of projects related to confidence-building and the rehabilitation of infrastructure. However, there is a growing tendency by the Abkhaz side to link the realization of confidence-building measures with security guarantees.

8. In the course of June, a reshuffling of the de facto Abkhaz government took place. On 7 June, Anri Jergenia, who has been intimately involved in the Georgian-Abkhaz negotiation process since 1992, was appointed "Prime Minister".

III. Operations of the United Nations Observer Mission in Georgia

9. The Mission continues to carry out its mandate by means of daily ground patrols from its headquarters in Sukhumi and the two sector headquarters at Gali and Zugdidi, as well as through regular helicopter patrols. By these means, UNOMIG is able to cover its entire area of responsibility, with the exception of the upper Kodori Valley, where patrolling remains suspended for security reasons.

10. During the reporting period, UNOMIG visited the lower Kodori Valley on five occasions. On two of those patrols, the UNOMIG military observers were escorted by the peacekeeping force of the Commonwealth of Independent States (CIS). A detailed regime for patrolling the upper Kodori Valley area, to be implemented as soon as the security situation allows, has been agreed upon between the Chief Military Observer and the Georgian Minister of Defence.

11. The series of hostage-taking incidents which started early in April required extensive efforts by UNOMIG to bring the two sides together at the highest political level to prevent further escalation of the situation. Although the exchange of detainees on 11 May somewhat defused the tension, abductions and incidents of violence continued, as described in paragraph 4 above.

12. The Joint Fact-finding Group has recently been hamstrung in its investigations because two of the delegates from the Abkhaz side continue to refuse to attend its meetings on the grounds that the Georgian authorities have failed to take adequate measures to prevent the activities of illegal armed groups in the Gali region. Similarly, the Georgian authorities have failed to provide essential evidence in the case of some investigations. Failure to fully cooperate in these investigations is a breach of the protocol of 19 January 2000 under which the Joint Fact-finding Group was created (see S/2000/39, para. 5). Following the joint statement signed during the seventh session of working group 1, both sides have expressed readiness to strengthen their cooperation with the Joint Fact-finding Group. In the period under review, despite the lack of good will on the part of both sides to make effective use of the mechanisms offered by the Coordinating Council framework, the Group concluded its investigations in three cases, namely, the ambush of a fuel truck on 25 January 2001 in which one person was killed (see S/2001/401, para. 17); an anti-tank missile attack on 26 January 2001 (ibid.) and a mine explosion in which five children were injured at the beginning of April 2001 (ibid., para. 19).

IV. Situation on the ground

13. Criminality and lawlessness continue to be major destabilizing factors in the conflict zone, putting in jeopardy the overall security situation. Complaints have repeatedly been lodged by the local population in both sectors about terrorizing and intimidation by armed groups. Although the crime rate remains high, some improvement in the security climate is noticeable and may be attributed to the initiative of the Abkhaz militia to conduct more effective patrols in the lower Gali area. During the reporting period, there were 9 shooting incidents, 21 killings, 10 abductions, 5 mine blasts and 45 robberies.

14. The situation deteriorated on 6 May, when an Abkhaz customs officer was stopped while driving a vehicle and subsequently taken to the Georgian side of the ceasefire line by five or six armed men. After preliminary unofficial negotiations, a meeting facilitated by UNOMIG and chaired by the Chief Military Observer was held on 11 May at the main bridge over the Inguri River, which led to the signing of a protocol. The Georgian side committed itself to consider the evidence gathered by the Abkhaz authorities on three Georgian nationals suspected of murder and other serious crimes (see S/2001/401, para. 20), so as to decide whether to institute criminal proceedings against them. It was also agreed that UNOMIG would verify the implementation of the protocol and that it would render assistance to the sides in this regard. Immediately after the meeting, the exchange of hostages took place on the Inguri bridge.

15. On 12 May, an Abkhaz soldier was killed at his observation post. The Abkhaz side once more claimed partisan involvement. UNOMIG investigations indicated, however, that the shooting had resulted from a brawl among drunken soldiers.

16. Repeated violations of the Agreement on a Ceasefire and Separation of Forces of 14 May 1994 and restrictions on the freedom of movement of UNOMIG give rise to concern. One such violation occurred in June in the course of the NATO/Partnership for Peace military exercise "Cooperative Partner 2001", hosted by the Georgian armed forces and conducted at the Kulevi military manoeuvre area, south of the UNOMIG area of responsibility. On that occasion, Georgian armoured personnel carriers and helicopters were observed operating in the restricted weapons zone and the Mission's freedom of movement was restricted in the Kulevi area. In another instance, on 23 June, two Abkhaz armoured vehicles entered the restricted weapons zone from Ochamchira during a military exercise. In another violation of the ceasefire agreement by the Georgian side, on 7 July an armoured personnel carrier was seen in the security zone. Protests were lodged with the sides for all violations, and official replies are expected.

V. Security situation

17. The security and safety of UNOMIG personnel remains an issue of high priority to the Mission. During the period under review, three instances of break-ins at residences of UNOMIG personnel were reported and two attempted break-ins were thwarted. Early in July, two local UNOMIG employees were attacked and severely beaten by a group of intoxicated men while returning home in Gali town. In response to these security threats, UNOMIG security officers and local law enforcement agencies have stepped up their patrolling activities in the vicinity of houses occupied by UNOMIG personnel, and their security systems have also been upgraded. In addition, the threat of mines continues to be of great concern. UNOMIG relies on the assistance of the HALO Trust to dispose of the mines.

18. On 9 July, in response to an enquiry by my Special Representative, the Georgian Minister for Special Assignments, Malkhaz Kakabadze, stated that the Georgian law enforcement agencies had initiated a criminal case against two individuals suspected of involvement in the hostage-taking of United Nations observers and that measures were under way to arrest other people involved in the incidents.

19. In violation of the Moscow Agreement, there is a disturbing tendency by the two sides to restrict the movement of UNOMIG personnel, thereby hindering the ability of the Mission to fulfil its mandate. One such serious instance of obstruction by the Abkhaz authorities occurred on 30 April, when Abkhaz military personnel aimed a grenade launcher at a UNOMIG helicopter circling an Abkhaz observation post. When a UNOMIG team later visited the post, the soldiers confirmed that they had indeed aimed weapons towards the helicopter and that they had fired once in the air with a light weapon. A formal protest was lodged with the de facto Abkhaz Minister of Defence, who assured UNOMIG of his determination to take appropriate

action. On 14 June, the Georgian side prevented UNOMIG military observers from entering a part of the restricted weapons zone. One day later, UNOMIG was also advised against conducting helicopter flights over parts of its area of responsibility because of the NATO military exercises. After a protest by UNOMIG, the situation was rectified.

20. Moreover, the trend to hold UNOMIG personnel hostage to domestic problems is increasing alarmingly (see S/2000/1023, para. 18; S/2001/59, para. 18; and S/2001/401, para. 24). On 30 April, the UNOMIG Zugdidi Liaison Team was detained for about four hours by a demonstration of some 100 internally displaced persons waiting to receive their allowances from the Zugdidi Post Bank. The internally displaced persons demanded that the team contact the Minister for Distribution of Allowances and requested that he conduct negotiations with them. Upon the arrival of the police and local authorities, negotiations started and the team was released. However, the internally displaced persons threatened to destroy the UNOMIG Zugdidi sector headquarters on 11 May if they did not receive their allowances by 10 May. Despite repeated requests from UNOMIG, the Georgian authorities failed to take adequate measures to safeguard against such a threat. On 11 May, a demonstration was held outside the Zugdidi sector headquarters, preventing the movement of traffic in and out of the compound. A quick response from the police prevented any damage. My Special Representative and the Chief Military Observer have both raised the matter at the highest level in order to guarantee better security for UNOMIG in Zugdidi.

VI. Cooperation with the collective peacekeeping force of the Commonwealth of Independent States

21. Working relations between UNOMIG and the CIS peacekeeping force remain good and close liaison is being maintained at all levels. This includes security backup on the ground by the peacekeeping force, as well as collaboration in the context of the weekly quadripartite meetings, working group I and the Joint Fact-finding Group. UNOMIG and the CIS peacekeeping force continue to exchange information, particularly in the field of incident investigation.

22. As previously reported, the CIS peacekeeping force maintains stationary checkpoints and carries out little patrolling. Lately, however, it has begun to patrol more actively in the lower Gali area in an effort to increase the effectiveness of its operations. This has had a positive impact on the security situation.

VII. Humanitarian situation and human rights

23. During the reporting period, the humanitarian situation in Abkhazia, Georgia, remained serious. International humanitarian agencies and non-governmental organizations continued to address the acute food and medical needs of vulnerable segments of the population and to conduct mine clearance and small-scale rehabilitation activities.

24. The Office of the United Nations High Commissioner for Refugees (UNHCR) initiated community-based rehabilitation of 14 schools requiring urgent attention in the upper and lower Gali regions. UNHCR plans to expand its assistance programme to other schools. This followed a needs assessment conducted by UNHCR staff, who visited 29 schools in the Gali region and found that they lacked heating, water and sanitary facilities, and that they were running without adequate teaching aids and furniture. Despite such deplorable conditions, the schools were attended by close to 4,000 pupils in the school year 2000/2001. UNHCR further noted that, owing to the lack of appropriate health-care facilities and medicines in the Gali region, returnees were often compelled to commute to places of previous displacement for treatment. Accordingly, the rehabilitation of selected dispensaries and water purification systems will also be considered this year. The UNHCR programme is focused on the Upper Gali region; operations in lower Gali are restricted to three places only.

25. The International Committee of the Red Cross continues its essential food distribution programme to vulnerable segments of the population and has recently embarked on a project to partially rehabilitate the water and sanitation systems in Sukhumi and Ochamchira. Médecins sans Frontières-France is expanding the scope of its tuberculosis treatment programme and its health access programme. The HALO Trust has recently expanded its demining operations in the

Ochamchira region. Première Urgence is supporting the rehabilitation of an orphanage in Sukhumi.

26. The increase in tensions in April and May negatively affected the freedom of movement of humanitarian agencies, who were advised to take additional precautions. The security environment also continued to impede access to the Kodori Valley. The activities of international non-governmental organizations continue to be hampered by restrictions on the use of the border crossing between Abkhazia, Georgia, and the Russian Federation at the Psou River (see S/2001/401, para. 28).

27. During the period under review there were no indications of improvement in the field of human rights. The major issues of concern to the United Nations Human Rights Office in Abkhazia, Georgia, remain violations of the right to life, the right to physical integrity and the right to liberty and security of person. The office reported new cases of apartment evictions and violations of the right to property. In addition, complaints were lodged about continuing persecutions on religious grounds. The number of abductions, with or without demands for ransom, has markedly increased, which again raises the issue of the inadequacies of Abkhaz law enforcement structures to deal effectively with such incidents.

28. As documented by the joint assessment mission (see S/2001/59, annex II), the human rights situation remains particularly precarious in the Gali region. There has been no change in the language policy in schools with predominantly Georgian-speaking students: the Georgian language is taught only for a limited number of hours and Russian has been instituted as the language of instruction in the first six grades (from 7 to 13 years). It seems that the situation warrants the opening of a branch office of the human rights office in Gali, as recommended by the joint assessment mission.

VIII. Financial aspects

29. By its resolution 55/267 of 14 June 2001, the General Assembly appropriated an amount of $27,896,341 (gross), equivalent to $2,324,695 per month, for UNOMIG for the period from 1 July 2001 to 30 June 2002. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission.

30. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 July 2001, as recommended in paragraph 39 below, the cost of maintaining the Mission until 31 January 2002 would be limited to the monthly amounts approved by the General Assembly.

31. As at 30 June 2001, unpaid assessed contributions to the UNOMIG Special Account amounted to $15.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2.3 billion.

IX. Observations

32. The interruption of negotiating activities following the killings and hostage-taking incidents in April-May and again in July demonstrates that the overall peace process remains fragile. This is also related to the fact that meaningful negotiations on the future political status of Abkhazia within the State of Georgia have not yet begun. Clearly, in the absence of such negotiations, the entire peace process remains in jeopardy. In this context, the progress achieved within the group of Friends on streamlining its position with regard to the draft paper on the distribution of competences between Tbilisi and Sukhumi is encouraging. I appeal to the group of Friends, in close cooperation with my Special Representative, to bring this process to successful completion, so as to submit the framework document to the two sides as soon as possible. The Abkhaz side should reconsider its position not to address the status question.

33. Attempts to hold the peace process hostage to political demands are a cause for concern. Within the United Nations-led peace process, mechanisms have been created through which incidents can be investigated immediately and in close cooperation with the two sides. Both parties should make more effective use of these arrangements, especially in times of crisis. Both sides should show genuine commitment to working together in order to clarify the incidents of 8 and 9 July, release the hostages still being held and bring the perpetrators to justice. I urge them to resume their work in the Coordinating Council and its relevant mechanisms as soon as possible.

34. The pledge by the two sides to facilitate a safe, secure and dignified return of all refugees and internally displaced persons to their places of previous

permanent residence, as stipulated in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994, still awaits realization. I call upon both sides to take up this commitment with renewed determination. An area in urgent need of action is the Gali district, where internally displaced persons have returned despite precarious security conditions. Following the presentation to the sides of the report of the joint assessment mission to the Gali district, the swift implementation of its recommendations should follow.

35. Confidence-building measures are an indispensable part of the peace process and should be addressed in their own right, without conditions relating to other matters under negotiation. I invite the parties to follow up on their Programme of Action, as agreed during the Yalta meeting in March 2001 (see S/2001/242), and to implement the proposals in a purposeful and cooperative manner.

36. The Moscow Agreement remains a cornerstone of the United Nations peace effort. The increasing number of violations of this Agreement in the period under review gives rise to grave concern. The same applies to restrictions of movement imposed on UNOMIG, which prevent the mission from carrying out its mandate to the full. I appeal to both sides to immediately reinstate full compliance with all the stipulations of the Moscow Agreement.

37. The security of UNOMIG personnel remains a matter of deep concern. It is the responsibility of both sides to provide appropriate security conditions for the work of the Mission at all times. The intention expressed by the Georgian authorities to initiate an investigation into the kidnapping incidents in the Kodori Valley and bring to justice the alleged perpetrators is welcome and its implementation awaited.

38. Ongoing violence is a constant threat to the peace process. Both sides bear direct responsibility for the implementation of all the provisions of the protocol of 11 May and for full compliance with all security arrangements concluded earlier to preclude any further aggravation of the situation. I remind the Georgian side in particular to uphold its commitment to put a stop to the activities of illegal armed groups crossing into Abkhazia, Georgia, from the Georgian-controlled side of the ceasefire line.

39. As developments over the last six months have shown, UNOMIG continues to play a crucial role in the stabilization of the zone of conflict. Its efforts to advance the negotiation process constitute a central element in the search for a peaceful settlement. I therefore recommend that its mandate be extended for a further six-month period, until 31 January 2002.

40. I would like to express appreciation to my Special Representative and to the Chief Military Observer for their leadership of UNOMIG, and to commend the men and women of the Mission for their courage and their steadfastness in carrying out their challenging and at times dangerous tasks in the cause of peace.

Annex

United Nations Observer Mission in Georgia: contributions as at 12 July 2001

Country	*Military observers*
Albania	1
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	11
Greece	4
Hungary	8[a]
Indonesia	4
Jordan	6
Pakistan	8[b]
Poland	4
Republic of Korea	3
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
Uruguay	3
United States of America	2
Total	**106**

[a] Including the Deputy Chief Military Observer.
[b] Including the Chief Military Observer.

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